

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEMS
PRODUCT LIABILITY LITIGATION

MDL No. 2327

THIS DOCUMENT RELATES TO THE FOLLOWING
WAVE 8 CASES ONLY:

Perez	2:13-cv-16393
Villalobos	2:13-cv-18155
Selph-Davis	2:13-cv-23465
Wesley	2:13-cv-28498
Powers	2:14-cv-12626
Newnham	2:15-cv-14992
Hodge	2:15-cv-12908
Cooke	2:16-cv-04375
Corder	2:16-cv-10988
Watters	2:16-cv-01696
Carpenter	2:17-cv-04168


ORDER

Pending before the Court are Defendants' Motion to Preclude Evidence or Argument Relating to Pathology and Degradation Claims Based on the Failure to Comply with PTO #121 and PTO #190 by Certain Plaintiffs, (ECF NO. 5741), and Defendants' Notice of Partial Withdrawal of Pending Motion to Preclude Evidence or Argument Relating to Pathology and Degradation Claims Based on the Failure to Comply with PTO #121 and PTO #190 by Certain Plaintiffs. (ECF No. 5857). In view of Defendants' representation that the dispute between the parties in the above-styled Wave 8 cases, as framed in the Motion to Preclude, has been resolved, the court **GRANTS** Defendants' Notice of Withdrawal and **DENIES** Defendants' Motion to Preclude Evidence or

Argument, as moot, with respect to the cases listed above. The motion shall remain pending as to all other Wave 8 cases identified in Exhibit A attached to Defendants' Motion to Preclude (ECF No. 5741-1 at 2). It is so **ORDERED**.

The court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-02327 and in the Ethicon Wave 8 cases. In cases subsequently filed in this district after 2:17-cv-04496, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered by the court. The orders may be accessed through the CM/ECF system or the court's website at <http://www.wvsd.uscourts.gov>.

ENTERED: June 12, 2018



Cheryl A. Eifert
United States Magistrate Judge